

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

BRIAN SCOTT BERRYMAN

PETITIONER

V.

CIVIL ACTION NO. 1:22-CV-00140-SA-RP

BURL CAIN and
MISSISSIPPI DEPARTMENT OF CORRECTIONS

RESPONDENTS

ORDER DIRECTING PETITIONER TO RESPOND

This matter comes before the Court upon *pro se* Petitioner Brian Scott Berryman's Motion [10] to amend his habeas petition to include a fifth claim in which he asserts that he is being unlawfully held in custody as a result of an unlawful revocation of parole. In the instant motion, Petitioner does not state whether this claim has been presented to the state court's review and, therefore, whether such claim has been exhausted. Accordingly, Petitioner is directed to advise the Court within twenty-one (21) days from the date of this Order whether such claim has been reviewed by the state's highest court such that he has exhausted state remedies as to this particular claim. Plaintiff's failure to respond as directed will result in this motion being denied.

SO ORDERED, this the 27th day of October, 2022.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE